

(2) THE SECRETARY SHALL ADVISE THE GOVERNOR ON ALL MATTERS ASSIGNED TO THE DEPARTMENT AND IS RESPONSIBLE FOR CARRYING OUT THE GOVERNOR'S POLICIES ON PUBLIC SAFETY, CRIME PREVENTION, CORRECTION, PAROLE, AND PROBATION.

(D) COMPENSATION.

THE SECRETARY IS ENTITLED TO THE COMPENSATION PROVIDED IN THE STATE BUDGET.

REVISOR'S NOTE: Subsections (a), (c), and (d) of this section are new language derived without substantive change from former Art. 41, § 4-101(b) and the second sentence of (a).

Subsection (b) of this section is standard language added to state the requirement that an individual appointed to any office of profit or trust take the oath specified in Md. Constitution, Art. I, § 9. This addition is supported by 64 Op. Att'y Gen. 246 (1979).

In subsection (c)(2) of this section, the former reference to "counsel[ing]" the Governor is deleted as surplusage in light of the reference to "advis[ing]" the Governor.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the Secretary's responsibilities in the areas of public safety and crime prevention, as set forth in subsection (c) of this section, overlap with similar responsibilities of the Department of State Police and the State militia. Under Art. 88B, § 3, the Department of State Police has "the general duty to safeguard the lives and safety of all persons within the State, to protect property, and ... [s]pecifically ... to preserve the public peace; to detect and prevent the commission of crime; to enforce the laws and ordinances of the State and local subdivisions; [and] to apprehend and arrest criminals and those who violate or are lawfully accused of violating such laws and ordinances ...". Under Art. 65, § 8, the State militia, when on active duty "shall be vested, in enforcing the laws of this State, with all the authority of peace or police officers". The General Assembly may wish to clarify that the Secretary does not have exclusive responsibilities in the areas of public safety and crime prevention.

In subsection (d) of this section, the reference to the Secretary's "compensation" is substituted for the former reference to the Secretary's "salary" for accuracy and consistency throughout this article. See General Revisor's Note to this article. The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that other secretaries of principal departments of State government are entitled to "salaries". See, e.g., AG § 2-102(b), BR § 2-102(d), EN § 1-402(c), HG § 2-102(c), SF §§ 3-202(e) and 4-202(d), and TR § 2-102(b)(3). The General Assembly may wish to conform the relevant statutory provisions to subsection (d) of this section.